

Plaintiffs,)

U.S. DEPARTMENT OF EDUCATION and)

Suzanne GOLDBERG, in her official capacity as)
Acting Assistant Secretary for Civil Rights,)

DECLARATION OF PACHEL

1. I am over 18 years of age and have personal knowledge of the matters stated in this

- declaration and would testify truthfully to them if called upon to do so.

2. I currently live in Riverside, California.

3. I grew up in the LDS Church and remain part of that Church now.

4. I am also gay. I used to think of myself as same-sex attracted but that caused me to disassociate my sexual identity from the rest of my identity.

5. I know that I am a child of God. And I now know that being gay and being a child of God can both be true. This acceptance of myself has healed me from a lot of the religious trauma I experienced earlier in my life.

6. As a younger person in the LDS Church, I went on a mission. My mission was in Calgary, Canada. I loved my mission but it was also very painful for me because I started to realize that I was gay and that there might not be anything I could do to change it.

7. After completing my mission, I started at BYU-Idaho in the fall of 2016 at the age of 21.

8. I still thought I might be able to find happiness in marrying a man. My church and BUYI taught me that even if I struggled with same-sex attraction, I could be happy marrying a man and I would no longer experience same-sex attraction in the next life.
9. I tried really hard to date men. I thought that if I tried very hard, Heavenly Father would bless me with the happiness of marrying a man.
10. I would have done anything to no longer be gay. I would have died to be fixed.
11. I soon learned that the message that my same-sex attraction could be overcome or ignored in this life and that it would be cured in the afterlife was a dangerous message that would lead me down a terrifying path.
12. When I realized that I could not change my sexual orientation, and that I would never be happy marrying a man, I could not see a path forward as a gay person.
13. I felt damaged, cursed. I felt like I needed to be fixed but there was no one and nothing that could fix me.
14. During this time, while I was in my first semester at BYU, I was also in love with my best friend who was a member of the LDS Church as well. I was trying to stop having these feelings for her but they wouldn't go away.
15. About halfway through my first semester at BYU-Idaho, I attempted suicide. I came out to my family as a result of that as I had to explain to them why I no longer felt I could go on living.
16. While I was in the hospital recovering from my suicide attempt, I told my best friend that I was attracted to her but that I didn't want to act on these feelings. After that, she never spoke to me again. I felt abandoned.

17. I felt abandoned and betrayed by her and abandoned and betrayed by the Church and BYU-Idaho.
18. I was given a false hope that I could stop loving women and learn to love a man.
19. There is a crisis that happens when you realize that the hope is false. You have to mourn the death of the life you were promised. There is also often no visible path for a new life for yourself.
20. After I recovered, I took a year off from school but returned to BYU-Idaho in the fall of 2017. I finished the semester but it was painful.
21. BYU-Idaho requires us to take a marriage and family class that addressed sexual orientation and marriage. It felt like the majority of the class was about marriage being a husband and a wife, which made me feel that the greatest desire of my life, to be married and sealed in the temple, would never be available to me.
22. The class taught that it was a sin to be married to the same gender or to act on homosexual feelings. We are taught that we will never be as happy marrying someone of the same gender as we would be if we followed the commandment to marry someone of the opposite sex.
23. In another class, a family resource and planning class, students talked about how they believed that the family was being attacked by the people trying to legalize same-sex marriage. They compared LGBTQ+ people, who just wanted the right to marry the person they love, to agents of Satan who were attacking the family.
24. At BYU-Idaho, there was an unofficial support group for LGBTQ+ students. It was called USGA. The support group was not allowed to meet on campus. Instead, we met in the local library.

25. I needed that support.
26. Everyone in USGA had mental health issues. We all felt oppressed, sad, anxious and unwelcome.
27. I felt like the school was scared of us and that that is why they wouldn't let us meet on campus.
28. I left BYU-Idaho at the end of 2017.
29. Between 2017 and 2020, I began to heal, started to accept that I was not broken and that my Heavenly Father loved me just as I am. I finally loved myself. When you reach this place, it feels amazing.
30. I returned to BYU in the fall of 2020 by taking online courses. I thought I could handle being at BYU if I didn't have to hear people telling me harmful messages about my sexual orientation in person. But I was wrong.
31. It was still hard to hear those messages, even over Zoom. I wanted to be out and to share my experiences in class, but I didn't feel safe coming out.
32. I struggled academically that semester, as I had in my earlier semesters at BYU-Idaho, because of the impacts on my mental health. My emotions became so conflicted again and I realized it was very unhealthy for me to be in that environment.
33. With the help of a therapist, and reminding myself that Heavenly Father loves me just as I am, I have been able to continue my healing.
34. Where I am in life now, I want to find a wife, please the Heavenly Father and stay in the LDS Church. I can finally see that as attainable for me.
35. However, BYU is not a safe place for my mental health. I can't go back while it continues to teach that something is wrong with me.

36. The teaching that same-sex attraction will disappear in the next life makes people suicidal and it is still being taught at BYU now.
37. At BYU, there is an Honor Code agreement and an Honor Code office. The code prohibits acting on sexual or romantic feelings. We could be kicked out for dating the same gender, even if we are celibate while dating. This was scary for me.
38. If I went on a date with a man, I would not be disciplined. If I went on a date with a woman, I could be disciplined. This is a painful awareness to have while a college student.
39. Also, the Honor Code office would monitor students who were out about their sexual orientation or gender identity. So, I felt like I could not be out because I would be monitored.
40. The Honor Code office recently changed the language to remove the statement about homosexual romantic conduct. In response, a lot of LGBTQ+ students came out to others for the first time. We felt joy and freedom. We felt hope.
41. However, BYU then quickly issued a statement telling us that despite the changes to the Honor Code, same-sex romantic relationships were still prohibited, even if they were not sexually active. This felt like a betrayal.
42. However, there are many LGBTQ+ students at BYU and we are not giving up on creating acceptance for ourselves and future generations.
43. Every year, the students do a "Color the Campus" or "Rainbow Day" where you wear a Rainbow to show that you support the queer students. That day is on March 4.

44. This year, the students went up the mountain behind BYU-Provo where there is a large Y that is usually lit up white. This year, students held up lights and turned the Y to a rainbow. It felt so empowering.
45. The rainbow Y made me feel less alone and like our community, LGBTQ+ and allies, are powerful.
46. This felt like a big win for LGBTQ+ students at BUY, like we are continuing the history of knocking down barriers.
47. BYU has a history of requiring LGBTQ+ students to go to conversion therapy to remain in school. LGBTQ+ students and allies before us worked to rid the campus of this practice.
48. Now, BYU should listen to its student and amend its Honor Code agreement to specifically affirm same-gender dating and displays of affection, including holding hands and showing other chaste displays of affection, and to affirm transgender identity and expression, including honoring students' clothing, names and pronouns.
49. BYU should also prohibit hurtful messages in class, such as the message that queer people who are advocating for their rights are attacking the family.
50. BYU does not need to change its beliefs on human sexuality or gender identity in order to start protecting students like me from hurtful messages in class.
51. I hope that one day a queer student can go to BYU and not feel like I felt.
52. I am currently a behavior technician working with children with autism. I would like to go back to school. I need to finish my undergraduate degree and obtain a masters to advance my career and become a board certified behavioral analyst.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed this 6th day of March, 2021.

By: Rachel Moulton

Rachel Moulton